HON'BLE SRI JUSTSICE C.V.NAGARJUNA REDDY

WRIT PETITION No. 26011 of 2007

06.12.2007

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Between:

Y. Satyanarayana

… Petitioner

AND

The State of Andhra Pradesh,
Rep. by its Collector and Land Acquisition Officer,
West Godavari District, Eluru

… Respondent

Counsel for the petitioner : Sri V. Hariharan

Counsel for the respondent : Assistant Government Pleader for Land Acquisition.

O R D E R:

This writ petition is filed for a writ of mandamus to declare notification dated 09.11.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') as illegal, arbitrary and contrary to Articles 14, 19, 21 and 31-A of the Constitution of India.

At the hearing, Sri V. Hariharan, learned counsel for the petitioner stated that the petitioner's land is covered by coconut garden and sugarcane crop and that the said land is not suitable for providing house sites. He further submitted that before issuing the impugned notification, no notice was given to the petitioner.

I have considered the submissions of the learned counsel and I

do not feel persuaded to accept the same. The provisions of the Act envisage a self-contained scheme under which an enquiry is provided under Section 5-A except in cases where urgency clause under Section 17(4) is invoked. In the said enquiry, the owner of the land, which is proposed to be acquired, will have every opportunity to raise objections to the acquisition and the Land Acquisition Officer is expected to objectively consider the same and take a decision thereon. I am, therefore, of the view that the writ petition filed, at this stage, is premature. Learned counsel for the petitioner stated that so far, no notice has been issued by the respondent for the enquiry proposed to be held under Section 5-A. In the wake of this submission, I do not see any reason whatsoever to interdict the proceedings initiated by the respondent. The petitioner is always at liberty to raise all legally sustainable objections before the Land Acquisition Officer in the enquiry proposed to be held under Section 5-A of the Act and in the event the respondent takes a decision adverse to his interest, it shall be open to him to question the same by availing an appropriate legal remedy.

Subject to the above observations, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No. 33928 of 2007 filed by the petitioner for interim relief is also dismissed.

C.V.NAGARJUNA REDDY, J

06.12.2007
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